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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,849	11/27/2001	Michael K. Davis	50031-0020	4891

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EXAMINER	
KNEPPER, DAVID D	

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/996,849	DAVIS ET AL.	
	Examiner	Art Unit	
	David D. Knepper	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Applicant's correspondence filed on 15 May 2006 has been received and considered. Claims 1-17 are pending.

This office action enters the above amendment for consideration as directed by SPE David Hudspeth.

Title

2. The title is objected to because it is too long.

The title of the invention should be modified by deleting "integrated system and method for electronic" since these terms are so generic that they merely obfuscate the invention by adding unnecessary verbiage.

Claims

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-17 are rejected under 35 U.S.C. § 103 as being unpatentable over Cilurzo (6,434,526) in view of Tanenbaum ("Computer networks").

"Facilitating the exchange of speech recognition and transcription" is taught by Cilurzo with his speech server 300, figure 3:

"at least one system transaction manager... one of the users employing a first system protocol.. more of the users employing a second system protocol that is different" (taught by his network server 202, figure 3 and internet connection to user 100 which is not limited to any particular computer system – see Tanenbaum, figures 1-3 for well known network topologies which would be obvious implementations for network servers and see Tanenbaum, figures 1-5, 1-6, and 1-7 showing that it would be obvious between applications on different computers within a network to have at least 10 different translations between seven layers of protocols – of course, it would be obvious that Applications sharing or processing data could have their own protocol requirements as well – see, for example, page 21 of Tanenbaum which has an example of different protocols for transmitting/receiving text such that conversion between character codes, such as ASCII to EBCDIC, might often be useful as well as his recognition that industry specific protocols such as for banking or airline reservation, allow computers from different companies to access each other's data bases when that is needed.); and

"at least one speech recognition and transcription engine" (taught by his speech manager 300 and speech engine 304 which facilitate speech recognition to be communicated to the user or users as necessary over the network – the transcription result is described in col. 5, lines 22-23: As the user dictates, the message appears in print on his screen.).

It is noted that Cilurzo does not explicitly use the term "speech information request". However, he teaches it is an object of the present invention to provide, on a network, specific application software with a speech recognition capability (col. 2, lines 46-48). It would have

been obvious for a person having ordinary skill in the pertinent art, at the time the invention was made, to combine Cilurzo's system with a variety of requests for information because he teaches that his system is for use with any type of application software and computers are capable of handling and providing a great variety of information such as his teachings of radiology (col. 1, line 65-col.2, line 5), Lotus Notes (col. 5, line 21), medical information (col. 5, line 34) or chat sessions (col. 6, line 2). Thus, it would have been obvious to use speech recognition for requests of any information that a computer may manipulate because Cilurzo provides examples to include radiology or more general medical information as well as information that humans send to each other using other software such as Lotus Notes or chat software.

It is also noted that Cilurzo does not explicitly teach that computer users must have different protocols. However, one of ordinary skill in the art of computer networks knows that different users do not all have identical computers, operating systems, computer software applications, etc. As previously noted, the applicant's specification fails to teach any unique protocols. Thus, the claimed protocols can only be read on obvious prior art protocols that are suggested by Cilurzo's use of proprietary intranet network 200 (fig. 3) as well as uniform protocols such as used on the internet allowing communication with different users employing different combinations of hardware and software (col. 3, lines 28-36 and col. 4, lines 15-20). Tanenbaum is a basic textbook from 1981 that teaches that it is common to allow networked computers to translate among computers having different protocols to make these differences transparent to the user. This is done by allowing translation between different layers of computer software as illustrated and explained by Tanenbaum using the international standards (ISO) that are now notoriously well known for internet communications.

Claims 2-13 are directed towards handling speech information for routing to one or more users. This is inherent in the chat session usage suggested by Cilurzo in column 6. As one of ordinary skill in the art is aware, a chat session may initiated by any user and may involve one or more additional users online regardless of the type of computer they are using.

Claim 14: See claim 1 above. A "uniform system protocol" is inherent in any network based system. Failure to provide a uniform protocol will make a network unstable and unusable for desired communications.

Claim 15: See claim 1 above. The claimed "second user application" is stated to be "different than the first user application" which is addressed with Tanenbaum above.

Claims 16 and 17: See claim 1 above. The claimed "exchanging transcribed spoken text" is an obvious application of the chat sessions noted above. Furthermore, Tanenbaum teaches that it is well known to translate different types of text as noted above.

Response to Arguments

5. The arguments are not convincing. As was explained in the previous Office Action and during the interview, removing "the same" language to indicate that users have systems with different protocols overcomes the prior art applied in the first office action in July of 2004 and the applicant's failure to do this earlier is dragging out prosecution unnecessarily.

Tanenbaum (Computer Networks) is now applied against the claims showing how networks may be interconnected (including subnets) using differing protocols. It is noted that the applicant's claims fail to include any limitations towards translating a particular "legacy"

protocol as was discussed in the interview. Therefore, the claims fail to differentiate the well known abilities of different types of computers, operating systems, etc. to connect to each other over a network (such as the internet) and properly send and receive information.

The applicant's arguments during the interview that the invention uses ASA functions to convert between protocols does not appear in the claims. In reviewing the specification, it is noted that pages 27 and 29 indicate that legacy systems rely upon protocols that must be compatible with "the Normalized Data Format" which is undefined and therefore fails to differentiate over known protocols with known differences that commonly require layers of software to perform translation between them.

On page 36, [0015], the specification indicates "The Application Service Adapter 80' may convert Requests, Responses, and the like using any mechanism... transmitting characters in ASCII, EBCDIC..." indicating that the conversion may represent nothing more than commonly transmitted text. Thus, it would appear that the arguments during the interview were misleading because this indicates that mechanisms taught by Tanenbaum for converting between text formats such as ASCII and EBCDIC are no different than mechanisms contemplated for use by the applicant. It should be noted that the translation of text by Tanenbaum, while representing a particular example of a particular conversion within a particular layer of software, is trivial when compared to the details for translation that Tanenbaum teaches for higher and lower levels of software among different systems within a network. However, the claims do not contain language for particular translation or protocols nor does the specification seem to teach any details for particular types of translation or protocols.

Prior Art

6. Fiuczynski et al., (The Design and Implementation of an IPv6/Ipv4 Network Address and Protocol Translator); X.25, Internet Protocols and AppleTalk (Cisco Systems) are cited to show the type of information that the applicant may need to add to the disclosure to support any new or unobvious types of translation for new standards or for "legacy" protocols. For example, X.25 protocols were initiated in the 1970's, so it is acceptable to assume that one of ordinary skill in the art would be able to translate them. However, if the applicant is using a "legacy" protocol that differs or would not be obvious to one of ordinary skill in the art, then it will be necessary to spell out in great detail and/or provide detailed comparisons to show how it differs from known protocols.

AppleTalk is also considered an example of a legacy protocol since it is over 20 years old. However, the textbook by Tanenbaum applied against the claims was published in 1981 so by the year 2000 standards, could be considered a legacy as well since the teachings it contains includes even older networking concepts and systems.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Some correspondence may be submitted electronically. See the Office's Internet Web site http://www.uspto.gov for additional information.

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Effective 14 January 2005, except correspondence for Maintenance Fees, Deposit Accounts (see 37 CFR 1.25(c)(4)), and Licensing and Review)see 37 CFR 5.1(c) and 5.2(c)), please address correspondence delivered by other delivery services (i.e. – Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

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Alexandria, VA 22314

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (571) 272-7607. The examiner can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (571) 272-7602.

For the Group 2600 receptionist or customer service call (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) between the hours of 6 a.m. and midnight Monday through Friday EST, or by email at ebc@uspto.gov. For general information about the PAIR system, see http://pair-direct.uspto.gov .

David D. Knepper
Primary Examiner
Art Unit 2626
(previously AU 2654)
July 12, 2006